

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JANE DOE, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-120-JJF
	:	
INDIAN RIVER SCHOOL DISTRICT,	:	
et al.,	:	
	:	
Defendants.	:	

**NOTICE OF MOTION TO STRIKE DEFENDANTS' COUNTER-STATEMENT
CONTESTING PLAINTIFFS' STATEMENT RELATED TO PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT AND STATEMENT OF FACTS OR, IN THE
ALTERNATIVE, MOTION FOR LEAVE OF COURT TO FILE
PLAINTIFFS' COUNTER-STATEMENT OF FACTS**

Plaintiffs, by and through their undersigned attorneys, hereby provide notice of Plaintiffs' Motion To Strike Defendants' Counter-Statement Contesting Plaintiffs' Statement Related To Plaintiffs' Motion For Summary Judgment And Statement of Facts Or, In The Alternative, Motion For Leave Of Court To File Plaintiffs' Counter-Statement of Facts (the "Motion").

1. Plaintiffs filed the Motion on June 4, 2008, respectfully requesting that the Court strike Defendants' counter-statement of facts (D.I. 266) (the "Counter-Statement").

2. In the alternative, Plaintiffs respectfully requested that the Court grant Plaintiffs leave to file Plaintiffs' Counter-Statement of Facts responding to the facts in Defendants' Opening Brief. (D.I. 250)

3. Pursuant to the Court's standing order issued February 1, 2008, Plaintiffs request a hearing on the next available motion day, which is July 11, 2008 (given the deadline of filing the motion by the Friday immediately preceding the motion day).

4. Because the Motion relates to the summary judgment briefing, Plaintiffs may be prejudiced if the Court decided the competing summary judgment motions before deciding the Motion. For that reason, Plaintiffs request that the hearing on the Motion be waived, and request that the Court consider the Motion on the papers submitted.

WHEREFORE, Plaintiffs respectfully request that the Court waive the hearing on Plaintiffs' Motion and enter an order striking Defendants' Counter-Statement.

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